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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No. '08 MJ 8292
	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324(a)(1)(A)(ii) Illegal Transportation of Aliens
Melvin ALFARO-Zuniga,	
Defendant,	

The undersigned complainant, being duly sworn, states:

On or about April 1, 2008, within the Southern District of California, defendant Melvin ALFARO-Zuniga, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Sergio DE LA CRUZ-Cervantes, Andres VIZCAINO-Galarza and Diego MORA-Ricon had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 3RD DAY OF APRIL 2008.

Peter C. Lewis
United States Magistrate Judge

UNITED STATES OF AMERICA

v.

Melvin ALFARO-Zuniga

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending U.S. Border Patrol Agent R. Martinez, that on April 1, 2008, the defendant, Melvin ALFARO-Zuniga, a native and citizen of Mexico was apprehended near Westmorland, California, along with (20) twenty undocumented aliens from Mexico, in a 2004 Dorse Trailer, bearing California registration number 4ET7512, being pulled by a white 2000 Peterbuilt semi-truck, bearing California registration number UP69276, in violation of law.

On April 1, 2008 Agent Martinez was performing his assigned Border Patrol duties at the United States Border Patrol Highway 86 Checkpoint. At approximately 10:54 P.M. a white 2000 Peterbuilt semi-truck pulling a 2004 Dorse Trailer came into the primary inspection lane of the checkpoint. Agent Martinez approached the driver, Melvin ALFARO-Zuniga, and identified himself. Agent Martinez questioned ALFARO about his citizenship and right to be in the United States. ALFARO hesitated and Agent Martinez had to ask ALFARO a second time. After hesitating, ALFARO told Agent Martinez he is a citizen of El Salvador and handed Agent Martinez a United States Work Authorization document. Agent Martinez noticed during questioning, ALFARO was nervous, trembling, and fumbling with his documents *when he was* handling them. Agent Martinez also noticed ALFARO's voice would crackle and give out during his answers to questions. Agent Martinez noticed ALFARO's hands shaking nervously when ALFARO handed Agent Martinez the cargo manifest for items in the attached trailer.

Canine Agent T. Delgado was performing pre-primary duties with his assigned canine. Agent Delgado relayed to Agent Martinez his assigned canine partner alerted to the trailer. Agent Martinez asked ALFARO for consent to search the semi-truck and trailer. ALFARO consented to the search. Agent Martinez asked ALFARO to park his vehicle in the secondary inspection area.

ALFARO parked the vehicle in the inspection area. Agents Martinez and Delgado again asked for permission to search the entire semi-truck and trailer, ALFARO granted consent to the search. Agent Delgado used his service canine to perform a canine search. The canine alerted to the trailer. Agents noted the inside temperature of the trailer was at 43 degrees Fahrenheit at the time. Agents opened the trailer and used flashlights to visually see into the trailer. Agents immediately saw a pair of shoes behind pallets. A further search of the trailer, agents located twenty individuals hiding inside the trailer. The Agents identified themselves to these individuals and questioned them. It was determined all twenty individual are citizens of Mexico illegally in the United States.

Material Witnesses Sergio DE LA CRUZ-Cervantes, Andres VIZCAINO-Galarza and Diego MORA-Ricon all stated they are natives and citizens of Mexico illegally in the United States. Sergio DE LA CRUZ-Cervantes, Andres VIZCAINO-Galarza and Diego MORA-Ricon stated arrangements were made in Mexico for them to pay $2,500.00 to be smuggled illegally into the United States. Sergio DE LA CRUZ-Cervantes, Andres VIZCAINO-Galarza and Diego MORA-Ricon stated once in the United States they were brought to a gas station, where they were ordered to board a semi-truck trailer.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Sergio DE LA CRUZ-Cervantes	Mexico
Andres VIZCAINO-Galarza	Mexico
Diego MORA-Ricon	Mexico

Further, complainant states that Sergio DE LA CRUZ-Cervantes, Andres VIZCAINO-Galarza and Diego MORA-Ricon are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.